

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**BURBACK FARMS, INC. and
JOHN BURBACK,**

Plaintiffs,

vs.

F.E. WARREN AIR FORCE BASE, et al.,

Defendants.

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8:06CV38

ORDER

This matter is before the court on the plaintiffs' Motion to File Second Amended Complaint (Filing No. 16). The plaintiffs failed to attach to the motion an unsigned copy of the proposed amended complaint or otherwise comply with NECivR 15.1(a). Accordingly, the plaintiffs shall file a supplement to the motion. The plaintiffs filed the second amended complaint, without leave of court. **See** Filing No. 17. Such pleading will be deemed an index of evidence related to the plaintiffs' motion in accordance with NECivR 15.1. Further, the plaintiffs shall file a brief setting forth the specific amendments proposed and shall state whether the motion is opposed. **See** NECivR 15.1(a). If the plaintiffs' motion is opposed, the plaintiffs shall also comply with the briefing requirements in NECivR 7.1(a)(1). Upon consideration,

IT IS ORDERED:

1. The plaintiffs' Motion to File Second Amended Complaint (Filing No. 16) is held in abeyance pending compliance with NECivR 15.1(a) and/or NECivR 7.1(a)(1). The plaintiffs shall have to **on or before September 26, 2006**, to file the supplemental brief as described above. Otherwise, the plaintiffs' motion will be deemed abandoned and denied.

2. If opposed, the defendants shall have **ten (10) business days** after the plaintiffs' brief is filed to file any opposition to the plaintiffs' motion. The plaintiffs shall have **five(5) business days** thereafter to file a reply.

3. The Clerk shall amend Filing No. 17 to reflect it is an Index of Evidence.

DATED this 14th day of September, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge